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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,726	02/16/2005	Peter Rehbein	10191/4135	8412
26646 7590 12/23/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
LEE, KYUNG S				
ART UNIT		PAPER NUMBER		
2832				
MAIL DATE		DELIVERY MODE		
12/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/524,726

Applicant(s)

REHBEIN ET AL.

Examiner

Kyung Lee

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/9/08 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (previously cited).

Chen teaches an electric contact comprising:

a contact layer in the form of a gradient layer (fig. 1) applied on the metallic substrate, the gradient layer being composed of at least two elements including tin 16 and Indium or phosphorous 18.

Regarding claim 9, the gradient layer has a thickness between about 1 μ m and 3 μ m (claim 14 discloses the thickness meeting the range).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 to 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Suzuki (previously cited).

Chen teaches the claimed invention except for the gradient layer having a noble-metal cover layer. Suzuki teaches an electrical contact layer and a cover layer. The cover layer is composed of gold (col. 3, line 45). Suzuki teaches that the gold cover layer has an excellent corrosion resistance and lubricity. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the gradient layer of Chen with the gold cover layer as taught by Suzuki, since the gold cover layer would provide the contact layer of Chen with corrosion resistance.

Regarding claim 11, Suzuki teaches a range of 0.1 to 5.0 micron cover thickness (col. 4, line 62).

Regarding claim 13, Chen teaches electroplating or vapor depositing. Employing one of any well known method for metal application would be well within reach to one skilled in the art.

Response to Arguments

6. Applicant's arguments filed 12/9/08 have been fully considered but they are not persuasive. Applicant argues that Chen does not teach that "a proportion of the first element and

the second element in the gradient layer changes substantially linearly in a direction normal to a plane of the substrate." The examiner respectfully disagrees. Applicant, in the Remarks (page 3, mid page) points to the current specification (page 3, lines 16-19) where the gradient layer may be linear concentration gradient, or alternatively a concentration gradient that varies. Where the proportion of the one element in the contact layer may run the range between 0% and 100% in the gradient direction. Chen, in col. 7, lines 10-18, discloses the increased concentration at the first surface 19 of phosphor 18 (anti-tarnish layer) is the result of the reflow process that caused the phosphor 18 that was on the surface of the tin 16 to be diffused into the tin 16. The gradient layer for the elements is a concentration gradient that varies, thus meeting the claimed limitation for a gradient layer that is "substantially linear" (not linear) and/or a varying gradient.

7. Regarding to arguments to Chen in view of Suzuki, Chen teaches the claimed "substantially linear" gradient.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Lee whose telephone number is (571)272-1994. The examiner can normally be reached on M and W-F from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyung Lee/
Primary Examiner, Art Unit 2832